IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:- 03.03.2006

Coram:-

The Hon'ble Mr. Justice P.SATHASIVAM

Writ Petition No.28406 of 2004
& WPMP No.34490 of 2004

N. Devaraj
2/100-A, Dhali Road,
Bodipatti,
Udumalpet, rep. by its
Power Agent Mr.K.Narayanasamy … Petitioner

Vs.

1. Tamilnadu Industrial
Investment Corpn Ltd.
Rep. by its Managing Director,
Nandanam, Chennai.

2. Tamilnadu Industrial
Investment Corpn. Ltd.,
Rep. by its Branch Manager,
Kumaran Shopping Complex,
II Floor, Near Railway Station,
Tirupur-641 601.

3. S.N.Govindaraj
(known as T.N.Thirumalairaj) … Respondents.

Petition under Article 226 of the Constitution of India for the issuance of a writ of certiorari to call for the records of the second respondent dated 27.3.2003, made in his letter in TIIC/TPR/LAO-NPMAG/2002-03 and quash the same.

For Petitioner : Mr.Chinnasamy, Sr. Counsel
for Mr.D.Kothandaramasamy

For R-1 & R-2 : Mr.V.Kalyanaraman,
for M/s.Aiyar & Dolia.

For Respondent-3 : Mr.A.Shivaji

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O R D E R

The petitioner challenges the order dated 27.03.2003, made in letter TIIC/TPR/LAO-NPMAG/2002-03, issued by the second respondent herein, viz., the Branch Manager, Tamilnadu Industrial Investment Corporation Limited, Tirupur Branch.

2. Heard learned Senior Counsel for the petitioner as well as counsel for the respondents.

3. It is the only grievance of the learned Senior Counsel for the petitioner that though several details including orders of various courts have been furnished in the legal notice of the petitioner, dated 13.06.2000, the second respondent has not considered all those details and sent a reply, that is, the impugned order, contrary to the orders of the civil court.

4. Though both the counsel invited me to go into the details mentioned in the legal notice dated 13.06.2000 as well as the reply dated 27.03.2003, I am not inclined to go into the same and give a finding one way or other since it pertains to the dispute between the petitioner and the third respondent and other legal heirs. It is true that in the legal notice, the petitioner has referred to various civil proceedings and the orders passed therein. In such circumstances, direction is issued to the second respondent to give suitable reply to the legal notice of the petitioner dated 13.06.2000, meeting all the points raised therein. After issuance of reply, depending upon the out come of the same, respondents-1 and 2 are free to proceed in accordance with law. It is made clear that there is no bar in proceeding against the third respondent in respect of the amount borrowed by him.

5. With the above observation, the Writ Petition is disposed of. Connected Miscellaneous Petition is closed.

03.03.2006.

JI.

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Sd/
Asst.Registrar

/true copy/

Sub Asst.Registrar

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To

1. The Managing Director, Tamilnadu Industrial
   Investment Corpn Ltd. Nandanam, Chennai.

2. The Branch Manager, Tamilnadu Industrial
   Investment Corpn. Ltd., Kumaran Shopping Complex,
II Floor, Near Railway Station, Tirupur-641 601.

1 cc to Mr.D.Kothandaramasamy, Advocate, SR.10461
1 cc to M/s.Aiyar & Dolia, Advocate, SR.10402
1 cc to Mr.A.Shivaji, Advocate, SR.10289

rl (co)

dv/10,3,06

W.P. No.28406 of 2004.

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